IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4277/2000

VIJAY KUMAR KASHYAP Vs. STATE OF RAJASTHAN & ORS.

Date: 19.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rajeev Sogarwal for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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The matter comes up on the application under Article 226(3) of the Constitution of India moved on behalf of the respondent State for vacation of the ex parte interim order dated 09.08.2001 granted by this Court. At the request of both the learned counsel for the parties, the matter is heard finally at this stage.

This writ petition is directed against the impugned recovery order dated 07.07.2000 passed by the Assistant Engineer, PHED, Ajmer, by which on account of accident and in lieu of compensation, 1/3rd of the amount of compensation amounting to Rs. 33,333/- was ordered to be recovered from the salary of the petitioner by deducting Rs. 1,500/- per month in 22 installments.

This Court at the time of issuance of notice vide order dated 09.08.2001, stayed the operation of

the recovery order dated 07.07.2000 (Annexure-8).

Without expressing any opinion on the merits of the case, as it is evident that the recovery order has been passed without giving opportunity of being heard to the petitioner, therefore, in the interest of justice I deem it proper to quash and set-aside the impugned recovery order dated 07.07.2000 with liberty to the respondents to pass an appropriate order after giving opportunity of being heard to the petitioner.

The writ petition stands disposed of as indicated herein above.

The ex parte interim order dated 09.08.2001 granted by this Court stands vacated and the application under Article 226(3) of the Constitution of India also stands allowed.

(K.S. RATHORE),J.

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